

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FEB 1 2007

DAVID J. MALAND, CLERK

BY _____
DEPUTY _____

UNITED STATES OF AMERICA

§

vs.

§

ALWIN SAMALA CAYAS

§

Case No. 4:06cr288.1
(Judge Schneider/Judge Bush)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 16, 2007, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Maureen Smith.

On December 18, 2003, Defendant was sentenced by the Honorable John S. Unpingco of the District of Guam to twelve (12) months and one (1) day custody followed by a four (4) year term of supervised release for the offense of Conspiracy to Distribute Methamphetamine Hydrochloride. On December 7, 2004, Defendant completed his period of imprisonment and began service of his supervised term.

On July 11, 2006, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. On July 26, 2006, Defendant was convicted of Theft. On December 4, 2006, Defendant was arrested in the Western District of Washington, Seattle Division. The petition asserted that Defendant violated his conditions of release by doing the following: (1) Defendant left the district without

permission; (2) Defendant failed to report contact with law enforcement within the seventy-two (72) hour notification requirement; and (3) Defendant was convicted of the offense of second degree felony Theft.

Prior to the Government putting on its case, Defendant entered a plea of true to the violations. At the hearing, the Court recommended that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Court revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that on Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months, with no supervised release to follow.

Signed this 18th day of January, 2007.


DON D. BUSH
UNITED STATES MAGISTRATE JUDGE